



Cassandra Wolfgram  
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May 30, 2023

Christa Rutherford-Block  
Office of the Clerk of the Appellate Courts  
305 Minnesota Judicial Center  
St. Paul, Minnesota 55155

Re: Elizabeth Shimota v. Thomas Shimota  
Appellate Court File No.: A23-0776  
District Court File No.: 70-CV-18-6768  
Our File No.: 14476-45094

Office  
14985 Glazier Avenue  
Suite 525  
Apple Valley, MN 55124  
(952) 432-3136 Phone  
(952) 432-3780 Fax  
[www.dmshb.com](http://www.dmshb.com)

Dear Ms. Rutherford-Block:

I am writing to inform the Court of Appeals that this matter is currently stayed pursuant to 11 U.S.C. § 362 (2022).

On May 22, 2023, at 12:15 p.m., Petitioner Thomas Shimota filed a Petition for Chapter 13 Bankruptcy in person at the United States Courthouse for the District of Minnesota in St. Paul.

At 1:13 p.m., I received an email from Mr. Shimota entitled "Notice of Bankruptcy filing stay." The email included a general letter from Mr. Shimota that he had filed a Chapter 13 bankruptcy petition and an automatic stay was in place. It also included a Notice of Bankruptcy Case Filing, time-stamped at 12:22 p.m. The email and attachments are enclosed here as **Exhibit A**.

At 2:08 a.m. on May 25, 2023, I received e-filed and e-served documents in the underlying district court case related to a Writ of Prohibition and Stay of Sale of B&T Investments, LLC addressed to the Minnesota Court of Appeals.

On May 26, 2023, at 11:56 a.m., I e-filed and e-served correspondence to Judge Fallon informing him that there was a pending bankruptcy petition. Mr. Shimota was served with this correspondence via email. A copy of this correspondence, without the attachments, is enclosed here as **Exhibit B**.

The following day, at 4:09 p.m., Mr. Shimota e-filed and e-served a document entitled "Third Declaration of Petitioner Thomas Shimota in Support of Writ of Prohibition and Emergency Stay of Sale of Business, B&T Investments, LLC" in the underlying district court action.

An automatic bankruptcy stay generally precludes the continuation of litigation against a bankruptcy debtor or the debtor's property. *See* 11 U.S.C. § 362 (2022).

Attorneys  
Michael G. Dougherty<sup>1</sup>  
Loren M. Solfest<sup>1,2</sup>  
Sharon K. Hills  
Robert B. Bauer<sup>1,2</sup>  
Terrence A. Merritt  
Stephen A. Ling<sup>1</sup>  
Christine J. Cassellius  
Matthew J. Schaap  
Lauri Ann Schmid  
Brian J. Wisdorff<sup>1</sup>  
Ryan J. Bles  
Cassandra C. Wolfgram  
Melanie R. Finley  
Ashley M. Beard

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Michael E. Molenda (Ret.)

The automatic stay applies to collection actions as well as “the commencement or continuation...of a judicial, administrative, or other action or proceeding against the debtor that was or could have been commenced before the commencement of the case...” *Id.* at subd. (a).

Our office is of the opinion that this matter is under an automatic stay. We will not respond to any motions, petitions, or other filings by Mr. Shimota unless and until this Court issues an order to that effect.

We ask this Court to issue an order staying all proceedings until the bankruptcy matter is resolved.

Due to Mr. Shimota’s ongoing filings *after* his bankruptcy petition, even after being served with correspondence that the case is stayed, along with his conduct in the underlying matter (*see, e.g.*, Docs. 307, 327, and 329), we ask that the Court specifically order that Mr. Shimota cannot file any documents, papers, motions, or other filings until the Court issues a further order after the bankruptcy court either grants relief or the proceedings conclude.

While this Court typically has the debtor provide updates to this Court on the bankruptcy case, for the reasons above, we ask that the Court instead direct that counsel for Elizabeth Shimota provide the Court with monthly updates.

Very truly yours,



Cassandra Wolfgram

cc: Elizabeth Shimota  
Encl.

**Cassandra Wolfgram**

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**From:** THOMAS SHIMOTA <TSHIMOTA@hotmail.com>  
**Sent:** Monday, May 22, 2023 1:13 PM  
**To:** Cassandra Wolfgram; Matthew Schaap  
**Subject:** Notice of Bankruptcy filing stay  
**Attachments:** 2023-5 Notice of Bankruptcy filing Stay.pdf

Please see attached.

Tom Shimota

RE: Thomas Shimota

To Whom It May Concern:

On May 22, 2023, the above-named debtor filed a voluntary petition under Chapter 13 of the U.S. Bankruptcy Code. The case number is #23-31016, U.S. Bankruptcy Court, District of Minnesota. I am enclosing a copy of the file-stamped Automatic Stay verifying the filing of the Petition.

Under 11 U.S.C. Section 362(a), you may not:

- take any action against the debtor or the debtor's property to collect any debt;
- enforce any lien on debtor's real or personal property;
- repossess any property in debtor's possession; or
- discontinue any service or benefit currently being provided to the debtor by you;

A violation of these prohibitions may be considered contempt of court and be punished accordingly.

Thomas Shimota has been a sole owner in B&T Automotive, Inc. and B&T Investments, LLC, its subsidiary.

Sincerely,



Thomas Shimota

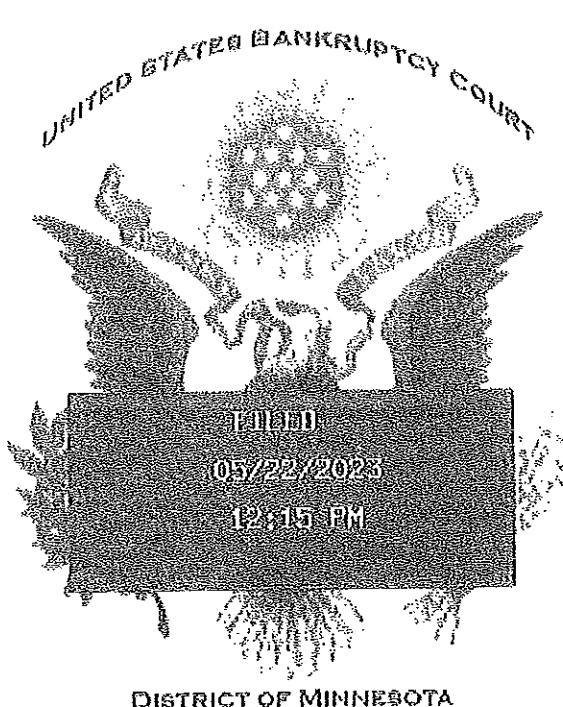
EXHIBIT A

United States Bankruptcy Court  
District of Minnesota

## Notice of Bankruptcy Case Filing

A bankruptcy case concerning the debtor(s) listed below was filed under Chapter 13 of the United States Bankruptcy Code, entered on 05/22/2023 at 12:21 PM and filed on 05/22/2023.

**Thomas Gerard Shimota**  
2800 130th Street West  
Rosemount, MN 55068  
SSN / ITIN: [REDACTED]



The case was assigned case number 23-31016.

In most instances, the filing of the bankruptcy case automatically stays certain collection and other actions against the debtor and the debtor's property. Under certain circumstances, the stay may be limited to 30 days or not exist at all, although the debtor can request the court to extend or impose a stay. If you attempt to collect a debt or take other action in violation of the Bankruptcy Code, you may be penalized. Consult a lawyer to determine your rights in this case.

If you would like to view the bankruptcy petition and other documents filed by the debtor, they are available at our *Internet* home page [www.mnb.uscourts.gov](http://www.mnb.uscourts.gov) or at the Clerk's Office, 200 Warren E. Burger Federal Building, and U.S. Courthouse, 316 N Robert St, St Paul, MN 55101.

You may be a creditor of the debtor. If so, you will receive an additional notice from the court setting forth important deadlines.

**Tricia Pepin**  
Clerk, US Bankruptcy Court





Cassandra Wolfgram  
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May 25, 2023

Judge Martin Fallon  
Scott County Government Center  
Scott County Judicial Center  
200 Fourth Avenue West  
Shakopee, Minnesota 55379

Re: Elizabeth Shimota v. Thomas Shimota  
Court File No.: 70-CV-18-6768  
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Dear Judge Fallon:

I am writing to provide the Court with an update.

On May 22, 2023, we proceeded to a hearing, which concluded at approximately 10:10 a.m.

At 12:15 p.m., Thomas Shimota filed a Chapter 13 Bankruptcy petition in person at the United States Courthouse for the District of Minnesota in St. Paul.

At 1:13 p.m., I received an email from Thomas Shimota titled "Notice of Bankruptcy filing stay." The email included a general letter from Thomas Shimota that he had filed a Chapter 13 bankruptcy petition and an automatic stay was in place. It also included a Notice of Bankruptcy Case Filing, time-stamped at 12:22 p.m. The email and attachments are enclosed here as **Exhibit A**.

At 2:08 a.m. this morning, I received e-filed and e-served documents related to a Writ of Prohibition and Stay of Sale of B&T Investments, LLC addressed to the Minnesota Court of Appeals. At this time, no appellate case appears in P-MACS.

An automatic bankruptcy stay generally precludes the continuation of litigation against a bankruptcy debtor or the debtor's property. *See 11 U.S.C. § 362 (2022).* The automatic stay applies to collection actions as well as "the commencement or continuation...of a judicial, administrative, or other action or proceeding against the debtor that was or could have been commenced before the commencement of the case..." *Id.* at subd. (a).

For the Court's benefit, I have enclosed the most recent version of 11 U.S.C. § 362 annotated as **Exhibit B**.

Consequently, our office is of the opinion that this matter is under an automatic stay.

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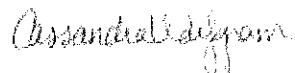
Attorneys  
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Ashley M. Beard

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Michael E. Molenda (Ret.)

Our office will not provide any response to these most recent filings, or any additional filings, by Thomas Shimota until the stay is lifted and the Court directs us to respond.

Very truly yours,



Cassandra Wolfgram

cc: Elizabeth Shimota  
Encl.